

Purpose:

Amdt. No. 387

To exempt handicapped individuals, to change the effective date, and to make technical changes.

96TH CONGRESS
1ST SESSION

S. 930

IN THE SENATE OF THE UNITED STATES

JULY 31 (legislative day, JUNE 21), 1979

Referred to the Committee on Governmental Affairs and ordered to be printed

AMENDMENT

[IN THE NATURE OF A SUBSTITUTE]

Intended to be proposed by Mr. PERCY (for himself, Mr. DUR-
ENBERGER, Mr. TSONGAS, and Mr. ZORINSKY) to S. 930, a
bill to amend the National Energy Conservation Policy Act
to prohibit free Federal employee parking, viz: Strike out all
after the enacting clause and insert in lieu thereof the
following:

- 1 That this Act may be cited as the "Federal Employee Park-
- 2 ing Act".

OL 9 3862

1 SEC. 2. (a) Title V of the National Energy Conservation
2 Policy Act is amended by adding at the end thereof the fol-
3 lowing new part:

4 “PART 5—FEDERAL EMPLOYEE PARKING

5 “SEC. 571. (a) No real property located in the United
6 States which—

7 “(1) is owned or leased by, or otherwise under the
8 jurisdiction of, the United States Government, and

9 “(2) is principally utilized, as determined by the
10 Administrator of General Services, to provide parking
11 facilities for privately owned motor vehicles in connec-
12 tion with employment, business, or visitation at Fed-
13 eral offices or installations

14 may be utilized as a parking facility unless there is assessed
15 against each vehicle using the parking facility a charge or fee
16 which is within the range of charges or fees generally appli-
17 cable for public parking purposes and similar parking facili-
18 ties in the same general locality.

19 “(b) Subsection (a) shall not apply to—

20 “(1) vehicles operated by registered handicapped
21 drivers, or

22 “(2) parking facilities which are provided in con-
23 nection with any Federal employee's residence, includ-
24 ing but not limited to, parking facilities in connection

1 with housing and visitation at military bases and instal-
2 lations.

3 “(c) The Administrator of General Services, the Direc-
4 tor of the Administrative Office of the United States Courts,
5 and the Architect of the Capitol shall take such steps as may
6 be necessary to coordinate the respective activities of the ex-
7 ecutive, judicial, and legislative branches of the Government
8 in the implementation of the provisions of this section.

9 “(d)(1) For the purpose of this section, the term ‘similar
10 parking facility in the same general locality’ means publicly
11 available parking facilities in nearby business or commercial
12 areas which are of the same kind (lot, garage, or on street
13 parking), convenience, and quality as that granted as the
14 parking facility on the Federal property.

15 “(2) If no fee or charge is assessed on vehicles at similar
16 parking facilities described in paragraph (1) in the same gen-
17 eral locality, no fee or charge shall be assessed under this
18 section.

19 “(e)(1) Except as provided in paragraphs (2) and (3), the
20 provisions of this section shall take effect on the date of the
21 enactment of this Act and shall apply to vehicles utilizing
22 parking facilities on Federal property after September 30,
23 1979.

24 “(2) During the period beginning on October 1, 1979,
25 and ending on September 30, 1981, the fee or charge as-

1 sessed against any vehicle parking in a parking facility on
2 Federal property shall be equal to 50 per centum of the
3 charge or fee otherwise determined under this section.

4 “(3) The Administrator of General Services may phase
5 in the application of the provisions of this section with re-
6 spect to any employees if the Administrator determines it is
7 necessary to meet any legal obligations.

8 “(f) All revenues collected pursuant to the provisions of
9 this section shall be deposited into the Treasury of the United
10 States as miscellaneous receipts.”.

11 (b) The table of contents of such Act is amended by
12 inserting immediately after the item relating to section 569
13 the following:

“PART 5—FEDERAL EMPLOYEE PARKING

“Sec. 571. Federal employee parking.”.

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Next 1 Page(s) In Document Exempt

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12 SEP 1979

MEMORANDUM FOR: Administrative Officer, DCI
Chief, Administrative Staff, NFAC
Chief, Administrative Staff, DDS&T
Special Support Assistant to the DDA
Executive Officer to the DDA

FROM: James H. McDonald
Director of Logistics

SUBJECT: Regulation on Federal Employee Parking

1. Reference is made to our meeting of 4 September on the new regulation promulgated by OMB and GSA concerning Federal employee parking. At that time we provided each of you a copy of OMB Circular No. A-118, dated 13 August 1979, and a draft of the proposed GSA Federal Property Management Regulation (FPMR) which covers the implementation of the parking program. We noted in that meeting that we expected momentarily (GSA was to publish by 20 August) to receive the final GSA FPMR and the applicable parking rates for all of our facilities. Unfortunately, we have not received either as of this date, and time grows short with respect to the 1 November implementation date. In order to preclude further delays, there are certain planning efforts that can be accomplished which each of you may be of great help to us in the Office of Logistics.

2. Paragraph 5 of the OMB circular provides for certain exemptions from parking fees. One of these exemptions, paragraph 5a, has to do with shift work and weekend duty. It will be necessary for us to identify employees by name, serial number, and building location who may qualify for such exemption. Paragraph 5a of the OMB circular defines employees who are considered shift workers; however, the definition is not all that precise and is subject to some interpretation. In discussions with GSA, it is their opinion that employees whose shift (including rotating shift) is during the regular working hours of the Agency

OL 9 3788

SUBJECT: Regulation on Federal Employee Parking

shall not be exempt from parking fees. However, we believe that if an employee working such a shift regularly or periodically rotates to a "swing" or "midnight" shift, he or she may qualify for an exemption. There may be other work circumstances that preclude use of carpools or public transportation and may be exempt. In view of this, we suggest that each group of shift workers be identified by component or function, building location, and that a description of their work schedule or their work practices be provided.

3. Also exempt are those handicapped employees who drive a vehicle which has been especially equipped for commuting as set forth in paragraph 5i of the OMB circular. In a similar manner, it will be necessary to identify individuals, employee serial numbers, and building locations for all who may qualify for this exemption.



/s/ James H. McDonald

James H. McDonald

Distribution:

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GENERAL SERVICES ADMINISTRATION

Public Buildings Service

Washington, DC 20405



SEP 7 1979

Mr. Phillip D. Larsen
Administrative Officer
The White House Office
Washington, DC 20500

Dear Mr. Larsen:

OMB Circular A-118, "Federal Employee Parking Facilities," dated August 13, 1979, requires that commencing November 1, 1979, Federal employees be assessed a fee for the use of Government-owned and leased parking facilities except where the rate would be less than \$10 a month. (The rate to be established in accordance with generally accepted appraisal techniques. For GSA-controlled facilities the basis for the rate is to be the fair rental value of such property as used in calculating Standard Level User Charges.) Further, the Circular provides that for the initial period November 1, 1979, through September 30, 1981, the fees to be collected shall be 50 percent of the full rate scheduled to be collected.

In accordance with the Circular, we are providing a list of GSA-controlled facilities (except Washington, D.C.) where your activities are assigned parking, and where we have determined that the Fiscal Year 1980 rate exceeds \$10 a month. Rates for Washington are still being formulated and will be distributed in about two weeks. As specified by the Circular, in those cases where the full rate is between \$10 and \$19.99 the monthly rate will be \$10. Questions concerning rates for specific locations should be addressed to the appropriate Public Buildings Service Regional Commissioner (list attached).

A. R. Marschall

A. R. MARSCHALL
Commissioner

Enclosures

PBS REGIONAL COMMISSIONERS

John T. Myers
7th & D Streets SW
Washington, DC 20407

Gilbert F. Strobel
Post Office & Courthouse Building
Boston, MA 02109

Arthur O. Barton
26 Federal Plaza
New York, NY 10007

Jerry Vallery
Ninth & Market Streets
Philadelphia, PA 19107

P. Gerald Thacker
75 Spring Street, SW
Atlanta, GA 30303

William B. Morrison
230 South Dearborn Street
Chicago, IL 60604

J. Wayne Roy
Federal Building
1500 East Bannister Road
Kansas City, MO 64131

Lester R. Myers
819 Taylor Street
Fort Worth, TX 76102

George B. Moore
Building 41
Denver Federal Center
Denver, CO 80225

Robert K. Bogardus
525 Market Street
San Francisco, CA 94105

Wilmer R. Barrick
GSA Center
Auburn, WA 98002

AREAS WHICH THEY COVER

Washington, D.C., Prince
Georges County, Montgomery
County, Loudon County, Prince
William County, Fairfax County

Maine, Vermont, New Hampshire,
Massachusetts, Connecticut,
Rhode Island

New York, New Jersey,
Puerto Rico, Virgin Islands

Pennsylvania, Maryland, West
Virginia, Delaware, Virginia

Kentucky, Tennessee, North
Carolina, Mississippi, Alabama,
Georgia, South Carolina,
Florida

Minnesota, Wisconsin, Ohio,
Michigan, Illinois, Indiana

Iowa, Nebraska, Kansas,
Missouri

New Mexico, Oklahoma, Texas,
Arkansas, Louisiana

Montana, North Dakota, South
Dakota, Wyoming, Utah, Colorado

California, Nevada, Arizona,
Hawaii

Washington, Oregon, Idaho,
Alaska

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GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

September 6, 1979

FEDERAL PROPERTY MANAGEMENT REGULATIONS
TEMPORARY REGULATION D- 65

TO: Heads of Federal agencies

SUBJECT: Federal employee parking

1. Purpose. This regulation prescribes revised policies and procedures for the assignment of Federal employee parking spaces and the assessment of charges for the use of these spaces.

2. Effective date. This regulation is effective November 1, 1979.

3. Expiration date. This regulation expires August 15, 1980, unless sooner revised or superseded. Prior to the expiration date, a permanent regulation will be issued. (See paragraph 15, Comments.)

4. Background. This regulation is issued pursuant to Office of Management and Budget (OMB) Circular A-118, Federal Employee Parking Facilities.

5. Definitions.

a. "Agency parking" means vehicle parking spaces under the jurisdiction and/or control of a Federal agency which are used for parking Government vehicles, other official vehicles, visitor vehicles, and employee vehicles.

b. "Carpool" means a group of two or more people using a motor vehicle for transportation to and from work.

c. "Employee parking" means the parking spaces assigned for the use of employee-owned vehicles other than those classified as "official parking" in subparagraph f.

d. "Federal agency" means any executive department or independent establishment in the executive branch of Government, including any wholly owned Government corporation.

e. "Handicapped employee" means a Government employee who has physical or mental impairments that substantially limit one or more major life activities and that, for all practical purposes, preclude use of public transportation. "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, and hearing. Justification for this priority may require certification by an agency medical unit, including the Veterans Administration, or by the Public Health Service.

(Published in the Federal Register on September 13, 1979)

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FPMR Temp. Reg. D- 65

September 6, 1979

f. "Official parking" means parking spaces reserved for Government-owned or Government-leased vehicles, or for the privately owned vehicles of Federal judges and Members of Congress, or for visitors to Federal facilities.

g. "Parking space" means the area allocated in a parking facility for the temporary storage of one passenger-carrying motor vehicle.

h. "Regular member of a carpool" means a person who travels daily (leave excepted) in a carpool for a minimum distance of 1 mile each way. In addition, an agency may define a regular member as one whose worksite is located within a specific but reasonable distance from the parking facility.

i. "Vanpool" means a group of 8 to 15 persons using a van, specifically designed to carry passengers, for transportation to and from work in a single daily round trip. This excludes automobiles and buses.

j. "Visitor parking" means parking spaces reserved for the exclusive use of visitors to Federal facilities.

6. Policy.

a. Vehicle parking facilities to accommodate the needs of Federal agencies shall be limited to the minimum necessary to avoid impairment of Government operations and shall be administered in full compliance with carpooling regulations. Federal employees, contractor employees, and occupant employees who are provided parking in Government-controlled space shall be assessed a charge equivalent to the fair monthly rental value for the use of equivalent commercial space, subject to the terms, exemptions, and conditions stated in this regulation.

b. All vehicle parking facilities will be consistent with the character of other properties in the neighborhood and local planning requirements, will not adversely affect the use or appearance of the property, and will not constitute a traffic hazard.

7. Priority of assignment of parking spaces.

a. Vehicle parking spaces shall first be reserved for OFFICIAL needs in the following order of priority:

(1) Mailcarrier maneuvering area and official Postal Service vehicle parking (including contract mail-hauling vehicles and private vehicles of rural carriers) at buildings containing Postal Service mailing operations.

September 6, 1979

FPMR Temp. Reg. D- 65

(2) Government-owned vehicles specially outfitted and used for criminal apprehension law enforcement activities and firefighting and other emergency vehicles.

(3) Privately owned vehicles of Federal judges and Members of Congress. Priority is limited to these individuals for security purposes and does not include members of their staffs.

(4) Government-owned or leased vehicles other than those listed in subparagraphs (1) and (2) of this subparagraph a. These include motor pool dispatch vehicles and vehicles assigned to agencies for general use.

(a) The total number of parking spaces provided for all Government-owned vehicles shall be an amount less than the total number of these vehicles. The type of vehicles involved and the character of the motor pool operation shall determine the ratio of parking spaces to vehicles.

(b) If feasible, areas assigned for Government-owned vehicles may be used during other than early morning or late afternoon hours for visitor and service vehicles or other vehicles as appropriate.

(5) Vehicles of patrons and visitors and service vehicles not accommodated under subparagraph (4)(b) of this subparagraph a. Where required, accommodations will be provided for handicapped visitors.

b. When requested by agencies, the parking spaces not required for "official" parking may be used for EMPLOYEE parking. Under OMB Circular A-118, a monthly fee shall be assessed for all of these parking spaces except where the rate per space is determined to be less than \$10 per month or where a specific exemption has been granted by OMB Circular A-118, paragraph 5. In the assignment of employee parking spaces, the following shall be observed:

(1) Handicapped Government employees for whom assigned parking spaces are necessary shall be given priority over all other employee parking. Nonhandicapped drivers who provide transportation for severely handicapped employees shall also be assigned parking spaces. Handicapped employees who utilize a specially equipped vehicle for commuting shall be exempt from parking fees.

(2) Assignments for other privately owned vehicles of employees of occupant agencies not otherwise accommodated shall be made in accordance with the regulations in paragraph 8.

8. Priorities for employee parking. Agencies shall encourage the conservation of energy by taking positive action to increase carpooling.

a. Assignment of spaces. In meeting their responsibilities to promote carpooling, agencies shall assign employee parking as follows:

FPMR Temp. Reg. D-65

September 6, 1979

(1) Handicapped employees, as indicated in subparagraph 7b(1).

(2) No more than 10 percent of the total spaces available for employee parking at each facility (excluding the spaces assigned to severely handicapped employees) to executive personnel and/or persons who are assigned unusual hours. Executive personnel should make every effort to carpool.

(3) Vanpools.

(4) Carpools based on the number of members.

Note.--If necessary for operational purposes, an agency may issue on a fee basis a limited number of parking permits to individuals who regularly use their privately owned vehicles for Government business. These are vehicles used 12 or more workdays per month for Government business for which the employee receives reimbursement for mileage and parking fees under Government travel regulations. Monthly certification, such as travel vouchers, may be required to establish this entitlement. All individual drivers are urged to carpool whenever possible.

b. Parking spaces allocated to agencies. Under most circumstances (see subparagraph c, below, for an exception), available employee parking will be allocated to each agency in proportion to its share of the total building population. The agency, in turn, shall assign spaces to employees using the number of persons in a vanpool/carpool as the primary priority. For the purpose of allocation of parking spaces for carpools, full credit shall be given to any regular member regardless of where the member is employed, except that at least one member of the carpool must be a full-time employee of the agency.

c. Assignment on a zonal basis. In the Metropolitan Washington, DC, area and in other major metropolitan areas, to achieve more efficient use of space and equality in the availability of parking for all Federal employees, the Regional Administrator, GSA, may have all parking allocations based on a zonal concept rather than on individual sites. In locations where this method is followed, all agencies located in a zone would compete for the available parking in accordance with instructions issued by the Regional Administrator. In establishing this procedure, the Regional Administrator will consult with all affected agencies.

9. Two-wheeled vehicles. Subject to the availability of satisfactory and secure space and facilities, agencies shall reserve areas for the parking of bicycles and other two-wheeled vehicles. Bicycles shall be given special consideration, including storage type space in buildings and improved bicycle locking devices where practical and appropriated funds are available. Bicycles shall not be transported on elevators or via stairways or parked in offices. Two-wheeled vehicles are exempt from employee parking charges.

September 6, 1979

FPMR Temp. Reg. D-65

10. Regular hours. Agency managers and supervisors shall make every effort to maintain regular arrival and departure times for all employees. Supervisors are reminded of their prerogative, within overall agency policy, to adjust the scheduled duty hours of individual employees to facilitate carpooling and the use of mass transit.

11. Charges for employee parking.

a. At all facilities where the monthly rate per space is \$10 or more, employees shall be charged for the parking they are furnished unless specifically exempt (see subparagraph 7b). For parking spaces under the control of GSA, the charging system will overlay the existing Federal Buildings Fund procedure. That is, GSA will assign blocks of parking spaces, both official and employee, to the agencies and assess the appropriate Standard Level User Charge. The agencies shall make their own individual assignments to their employees consistent with the carpooling requirements. Agencies shall collect the fees at the time the permits are issued to the employees. (See paragraph 12.)

b. On July 1 of each year, GSA will furnish each agency a printout listing the monthly parking charge for the next fiscal year at each GSA-controlled facility where the rate per space exceeds \$10. The rates to be charged will be the same as the commercial equivalent value of the spaces determined under the Standard Level User Charge system. Rates for non-GSA-controlled parking may be established by the responsible agency in accordance with 40 U.S.C. 490(k), using generally accepted appraisal techniques. GSA will assist agencies in developing the parking rates for their properties when requested. In this connection, GSA has developed GSA Form 3183, Appraisal of Fair Monthly Parking Rates Per Space, a simplified appraisal form for determining the monthly parking rate. Paragraph 18 provides information and instructions concerning the availability of GSA Form 3183. Rates must be developed by agencies and submitted to the appropriate GSA regional office (attention: Regional Commissioner, PBS) for approval.

c. For the initial period November 1, 1979, through September 30, 1981, the charges to be collected shall be 50 percent of the full rate scheduled to be collected. The full charge shall be collected beginning October 1, 1981.

d. In communities having several Federal facilities, buildings may be grouped or "zoned" for the purpose of establishing a uniform parking rate for the area rather than a building-by-building charge.

12. Procedures.

a. GSA-controlled facilities.

(1) In most instances, GSA will make block allocations of parking spaces to agencies, as indicated in subparagraph 8b, for distribution to their employees. GSA periodically will conduct surveys and review parking

FPMR Temp. Reg. D- 65

September 6, 1979

space allocations of its facilities to determine the total number of parking spaces available and to make sure that each agency has its fair proportion of parking spaces. The spaces will be reallocated if necessary. Agencies must maintain a breakdown of their official and employee parking assignments at each facility so that this information can be provided to GSA upon request.

(2) Agencies will be responsible for the assignment of space to their employees and for ensuring that fees have been collected in a timely manner for each assignment, or that the assignment has been revoked if necessary. The normal method for assigning employees spaces will be through sale of a monthly permit. An alternate method would be the use of a parking management contract where the operator would be responsible for fee collection. Permits must be used to identify those who are authorized to park and only one permit will be issued to a vanpool/carpool. The fee will be collected in advance, and agencies will be required to have available adequate documentation (e.g., a log) that will show that the monthly fees have been collected from employees for each permit issued.

b. Non-GSA-controlled facilities. At non-GSA-controlled facilities, the agency responsible for each facility will allocate employee parking in accordance with OMB Circular A-118 and issue parking permits to employees assigned such parking.

13. Collection and deposit of fees.

a. Collection of parking fees by agencies shall be handled in accordance with Title 7, Fiscal Procedures, GAO Policy and Procedure Manual, chapter 3, which provides the regulations and instructions applicable to all classes of funds collected by officers and employees of the U.S. Government.

b. The fees collected shall be deposited in accordance with Volume 1-Part 5, Deposit Regulations, Treasury Fiscal Requirements Manual (TFMR), which prescribes the forms and procedures to be observed by all Government departments, agencies, corporations, and others concerned with respect to deposits for credit to the Account of the U.S. Treasury.

c. In developing procedures for the collection and deposit of employee parking fees, agencies should ensure that their regulations, systems, and procedures comply with the reporting requirements of Volume 1-Part 2, Central Account and Reporting, TFMR, and the cash management policies, Volume 1-Part 6, Chapter 8000, Cash Management, TFMR.

d. Inquiries pertaining to the development and implementation of procedures and regulations pursuant to the TFMR's should be directed to the appropriate Department of the Treasury activity referenced in each TFMR chapter.

September 6, 1979

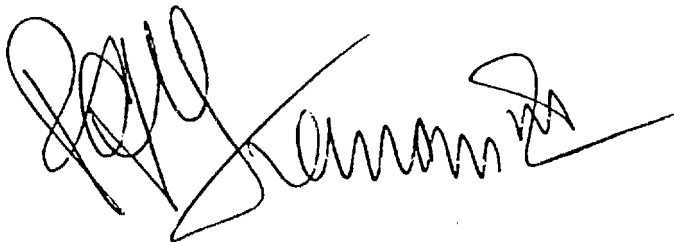
14. Appeals. Formal appeal of the rates established for employee parking may be filed by agencies in accordance with § 101-21.606(c). For properties not under the control of GSA, an appeal of the parking rate may be made directly by an employee to the employee's agency.

15. Comments. Comments concerning this regulation may be submitted to the General Services Administration (PR), Washington, DC 20405, until March 31, 1980.

16. Effect on other directives. This temporary regulation supersedes §§ 101-20.111-2, 101-20.111-2a, 101-20.117-1, and 101-20.117-2 of Subchapter D of the Federal Property Management Regulations to bring them into conformance with OMB Circular A-118.

17. Reports. The report required by this section has been cleared in accordance with FPMR 101-11.11 and assigned interagency report control number 0225-GSA-AR.

18. Availability of GSA Form 3183. Agencies may obtain their initial supply of the appraisal form referred to in subparagraph 11b from General Services Administration (WBRDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency field offices should submit all future requirements to their Washington headquarters office which will forward consolidated annual requirements to the General Services Administration (HRM), Washington, DC 20405. An initial distribution of the form will be made to all GSA regional offices for their use and additional supplies of the form should be obtained in the usual manner.

A handwritten signature in black ink, appearing to read 'R. G. Freeman III', with a large, stylized flourish extending from the end.

R. G. FREEMAN III
Administrator of General Services